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October 10, 2023

BY ECF

Honorable Alvin K. Hellerstein
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Jahira Dyer, et al. v. City of New York, et al.
23 Civ. 3664 (AKH)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel for the City of New York, and attorney for defendant City of New York ("City") in the above-referenced matter. Defendant City writes to respectfully request (i) that the Court adjourn the October 20, 2023 Initial Conference to a date after November 27, 2023, and (ii) a corresponding adjournment for the related deadline to submit the list of counsels to appear at the conference. This is the defendants' second such request. The Court has granted the first request. Plaintiff's counsel consents to this request.

By way of background, defendant City ask for this adjournment of the Initial Conference because it did not receive plaintiff's unsealing release until September 27, 2023. Without this unsealing release, defendant City was unable to request or access the relevant New York City Police Department ("NYPD") documents, Court file, or District Attorney's Office File, because, upon information and belief, these documents were sealed as a matter of law. Once this release was received, it was processed and the relevant documents were requested. Accordingly, I am currently unable to evaluate the claims, and it is unlikely that I will be in a position to participate in a productive Initial Conference by October 20, 2023, given the time it will take to obtain and review relevant documents and contact and speak with relevant witnesses. As a result,

*The conf. is adjourned
to Dec. 1, 2023, 10⁰⁰ am
10-10-23
Alvin K. Hellerstein*

the defendants will be unable to meaningfully discuss, *inter alia*, a proposed discovery schedule or the defendants' settlement position.¹

Accordingly, defendant City respectfully requests, with plaintiff's consent, (i) that the Court adjourn the October 20, 2023 Initial Conference to a date after November 27, 2023, and (ii) a corresponding adjournment for the related deadline to submit the list of counsels to appear at the conference.

Defendant City thanks the Court for its consideration herein.

Respectfully submitted,

/s/ Gregory J.O. Accarino

Gregory J.O. Accarino

Senior Counsel

Special Federal Litigation Division

cc: **By ECF:**

Victor Brown, Esq.
Attorney for Plaintiff

¹ On May 2, 2023, this case was designated as part of the Plan. See ECF No. 2, Notice, May 2, 2023. Therefore, the deadline for defendant City to answer or otherwise respond to the Complaint is sixty (60) days after plaintiff's unsealing release was received, which creates a deadline of November 27, 2023 for defendant City to answer or otherwise respond to the Complaint.